



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
REGULATORY BRANCH, NORTHERN SECTION
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GEORGIA 30260-1777

OCT 19 2005

Regulatory Branch
200501524

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Application Number: 200501524

Applicant: Sembler Atlanta, Inc.
Attention: Mr. Dan Diamond
1450 South Johnson Ferry Road, Suite 100
Atlanta, Georgia 30319-4316

Agent: Law Offices of W.M. Thomas Craig
1144 College Avenue
P.O. Box 1587
Covington, Georgia 30015

Location of Proposed Work: Located within tributaries of Canton Creek, Etowah Watershed, at the southeast corner of Interstate 575 and Georgia Highway 20, Latitude 34° 14' 09" North, Longitude 84° 27' 33" West, Canton, Cherokee County, Georgia.

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers: To construct a 700,000-800,000 square-foot commercial development, to be known as "Canton Marketplace", to serve the Cherokee County area.

The property is 98-acres in size with 5,380 linear-feet of perennial streams and 0.51 acres of wetlands.

Stream #1 is 2,285 linear-feet and can be described as perennial. Impacts to this stream would entail filling all 2,285 linear-feet.

Stream #2 is 1,225 linear-feet and can be described as perennial. Impacts to this stream would entail filling all 1,225 linear-feet.

Stream #3 is 1,870 linear-feet and can be described as perennial. Impacts to this stream would entail filling all 1,870 linear-feet.

To summarize, there will be 5,380 linear-feet of perennial stream impacts and 0.51 acres of wetland impacts associated with this commercial development.

If it is determined that issuance of a permit is appropriate and compensatory mitigation is required to offset the impacts of the proposed project, the applicant has proposed to purchase 5 wetland credits from a US Army Corps of Engineers approved mitigation bank, located within the same watershed. In addition, the applicant has proposed to mitigate for the stream impacts by restoring, preserving, and stabilizing streams at two sites. According to the applicant this will generate 29,209 stream credits.

Site #1 is the Padgett Creek Mitigation Site, which is located in Pickens County, west of Highway 5 near the city limits of Jasper. This will include 2,988 linear feet along Padgett Creek with a minimum buffer width of 100 feet horizontally from the ordinary high water line on both streambanks. According to the applicant, this will generate 27,039 stream credits.

Site #2 is the McCorry Creek Mitigation Site, located north of State Road 108 and east of Waleska. This will include 3,600 linear feet along McCorry Creek with a minimum buffer width of 50 feet horizontally from the ordinary high water line on both streambanks for 1,430 linear feet and 2,170 linear feet along one bank. According to the applicant, this will generate 5,980 stream credits.

Prior to the approval of the purchase of wetland and/or stream credits from a commercial mitigation bank as compensatory mitigation, an applicant must demonstrate through documentation to the US Army Corps of Engineers that the option of on-site and within basin mitigation has been thoroughly investigated, with no potential sites located. Details of the compensation plan including wetland functional analysis and adequacy of the compensation have not been finalized.

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a

charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the US Army Corps of Engineers, Savannah District, Regulatory Branch, Northern Section, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia that may be in the form of a license, easement, lease, permit, or other appropriate instrument.

US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, we request the Georgia Historical Preservation Division (GHPD), or any other interested party, review the latest published version of the National Register of Historic Places (NRHP) to determine if the property has or has not any registered properties or properties listed as eligible for inclusion located at the site or in the area affected by the proposed work. Presently unknown archaeological, scientific, prehistorical, or historical data may be located at the site and could be affected by the proposed work.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the US Department of the Interior, Fish and Wildlife Service and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be affected by this project.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity.

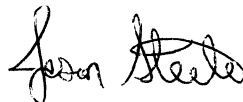
Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Commander, US Army Corps of Engineers, Northern Section, Attention: Mr. Jason Steele, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than 30 days from the date of this notice. Please refer to the applicant's name (Sembler Atlanta, Inc.) and the application number (200501524) in your comments.

If you have any further questions concerning this matter, please contact Mr. Jason Steele of the Regulatory staff at (678) 422-2730.



Edward B. Johnson, Jr.
Chief, Northern Section

Enclosures

1. Site Location/Topographic Map
2. Pre-Construction Plan-View
3. Post-Construction Plan-View
4. Mitigation Site Map (McCory Creek Site)
5. Mitigation Site Map (Padgett Creek Site)